



Montoya, Darlene <dmontoya@nmag.gov>

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## Portales PD Policy

4 messages

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**Pat Gallegos** <pgallegos@portalesnm.gov>  
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Tue, Jan 24, 2017 at 1:28 PM

I checked all of my emails again and I did not receive anything in reference to this request prior to the second letter. I apologize in advance if I overlooked this request. I have included my email for future correspondences. If you need anything else please let me know.

Chief Pat Gallegos

Portales Police Department

1700 N. Boston

Portales, NM 88130

(575)356-4404

[pgallegos@portalesnm.gov](mailto:pgallegos@portalesnm.gov)



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**105.01 Use of Force.pdf**  
257K

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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: Pat Gallegos <pgallegos@portalesnm.gov>

Tue, Jan 24, 2017 at 1:50 PM

Thank you so much Chief Gallegos. I apologize, we might have had an incorrect email address for you. I will note your correct one on our list.

One other thing that we do need to know is when was the last time these policies were reviewed and/or revised, and how often your officers receive training on them. Please let me know and I will print your email and attach it to the policies for the subcommittee.

[Quoted text hidden]

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Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501

(505) 490-4854

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**Pat Gallegos** <pgallegos@portalesnm.gov>  
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Tue, Jan 24, 2017 at 1:53 PM

We just went through accreditation in November and the policy was reviewed right before the accreditation. We try to get the officers through use of force training biannually, but if we make any changes to the policy, training will be conducted with the change.

**From:** Montoya, Darlene [mailto:[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)]  
**Sent:** Tuesday, January 24, 2017 1:50 PM  
**To:** Pat Gallegos  
**Subject:** Re: Portales PD Policy

[Quoted text hidden]

[Quoted text hidden]


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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: Pat Gallegos <pgallegos@portalesnm.gov>

Tue, Jan 24, 2017 at 2:03 PM

Thank you for the update Chief Gallegos. Hope you have a wonderful rest of the day and stay safe.

[Quoted text hidden]

	Portales Police Department	SOP #	105.01
		Date Revised:	
	Standard Operating Procedure & Policy	ADM. #	05.01 05.02 05.03 05.04
1700 N. Boston St. Portales NM, 88130	Use of Force	Effective Date	
(575) 356-4404		Approval:	Pat Gallegos, Chief of Police

## I. STATEMENT OF PURPOSE

The use of force by a police officer is an extremely sensitive issue and requires careful study and understanding by every officer. This is especially true since the definitions of the use of force by police are based on the determination of reasonableness under the circumstances. Although the careful use of force is authorized by law, the use of unnecessary or unreasonable force is strictly prohibited and will not be tolerated. While clear boundaries of reasonableness can be defined for certain police situations, others must be interpreted for the particular set of circumstances involved. The purpose of this policy is to provide police officers with guidelines on the response to resistance or aggression.

## II. DEFINITIONS

- A. Authorized Firearm: Any make, model or caliber of firearm that meets the Department's requirements and specifications, and has been formally approved by the Chief of Police or his designee for general or individual use by commissioned personnel. This includes primary service handguns, alternate service handguns, backup handguns, off-duty handguns, shotguns, and rifles used for law enforcement purposes.(New Mexico Standard ADM.06.01.D)
- B. Back-up/Off-Duty Handgun: An authorized handgun other than the primary service handgun carried in an authorized concealed manner.(New Mexico Standard ADM.06.01.D)
- C. Primary Service Handgun: The firearms authorized by the department to be carried as part of the service uniform and related equipment for uniformed personnel or the authorized firearm to be carried by plain-clothes officers.(New Mexico Standard ADM.06.01.D)
- D. Deadly Force: Any use of force that is reasonably likely to cause death.
- E. Non-Deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to

overcome the resistance of another.

- F. Excessive Force: Any force which is maliciously and/or sadistically applied for the purpose of causing harm.
- G. Reasonable Belief: Articulate facts and circumstances known to the officer at the time, which would cause another reasonable and prudent officer to act or think in a similar way under similar circumstances.
- H. Totality of Circumstances: The articulable facts and circumstances of an incident, including the severity of the crime at issue, and whether the suspect posed an immediate threat to the safety of the officers, or others, by actively resisting arrest or by flight
- I. Objectively Reasonable Belief: This term means that in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.
- J. Serious Physical Injury: This term means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

### III. GENERAL POLICY

- A. Officers are justified in using objectively reasonable belief and appropriate force upon another person when and to the extent he reasonably believes it necessary based upon the "objectively reasonable concept":
  - 1. To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or
  - 2. To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape. (New Mexico Standard ADM.05.01.A.B)

### IV. Use Of Force Case Law

- A. The United States Supreme Court, in a case entitled *Graham v. Connor*, sets forth an analytical model by which all use of force cases are reviewed. As required by *Graham*, an officer's use of force is assessed by examining the facts and circumstances known to the officer including a review of the following:
  - 1. The severity of the suspect's crimes;

2. The immediacy of the threat posed by the suspect to the safety of the officers or others; and
  3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- B. As used by Graham, “objectively reasonable” is much like the related concepts of reasonable suspicion and probable cause. Objective reasonableness requires more than an officer’s *subjective* beliefs about a suspect and the level of threat the suspect poses. Indeed, an officer cannot base a decision to use force on a “hunch,” a “feeling,” or some other unquantifiable belief. This is an *objective* test which means the officer’s good faith beliefs, for taking certain action, are irrelevant.
- C. Instead, an officer must be able to identify specific and articulable facts. Essentially, an officer must list the information he or she observed, heard, or otherwise collected and the source of that information. Sometimes just as important, an officer must identify unknowns and why this lack of information is important to an assessment of the suspect’s threat level.
- D. Based on those specific and articulable facts, an officer can then use his or her training and experience to interpret the known information and reach a reasonable conclusion as to the level of threat posed by the suspect. Stated another way, the conclusion an officer draws about a suspect must be based on the known facts.
- E. This process does not deal with hard certainties, but with probabilities. The use of the 20/20 vision of hindsight to analyze an officer’s use of force decision is prohibited. This is why the Graham test is called objective reasonableness, not objective certainty. (New Mexico Standard ADM.05.01.A.B)

## V. Use of Deadly Force

- A. Police officers are authorized to use lethal force in order to:
1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious physical injury.
  2. To prevent the escape of or to stop a suspect under circumstances where the officer has probable cause to believe that the suspect has committed a felony and poses a significant threat of death or serious physical injury to the officer or others.
- B. Where feasible, some warning should be given prior to engaging in the use of lethal force. Officers are not precluded from using any available means necessary to deploy lethal force when justified. This includes weapons or techniques of opportunity. Officers should give appropriate medical assistance to injured suspects in circumstances where the officer’s safety is no longer in

jeopardy.

C. To destroy an animal that represents a threat to public safety; or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes the force can be used without harm to the officer or others. The officer should make a reasonable attempt to locate and receive permission from the animal's owner.

D. In the event a Portales Police officer is involved in a deadly force incident:

1. Officers will evaluate injuries and render aid while attempting to avoid the destruction or contamination of evidence.
2. Secure the scene and implement the seven critical tasks as appropriate.
3. Identify any witnesses at the scene and secure them separately in a police vehicle or with another officer to maintain credibility.
4. Start a crime scene log.
5. Contact the Patrol Lieutenant and if he or she is not available, contact another division commander.
6. Contact New Mexico State Police to conduct the investigation.
7. Supervisors will maintain an emergency contact list in the event an officer is involved in a deadly force situation. The person contacted can come to the scene and remain with the officer.
  - a. The officer involved is prohibited from discussing the incident with the person contacted. The emergency contact is there for support.

#### VI. Deadly Force Restrictions

- A. Discharge of a firearm at or from a moving vehicle is prohibited if it presents an unreasonable risk to the officer or others.
- B. Discharge of a firearm is prohibited when it appears bystanders will be injured.
- C. Warning shots are not authorized. (New Mexico Standard ADM.05.02)

#### VII. Use of Non-Deadly Force

- A. In circumstances where lethal force is not authorized, officers should assess the incident in order to determine how to best de-escalate and bring the incident

under control in a safe manner.

B. Assessment may include:

1. Potential for officer or offender injury, (i.e. whether the suspect is armed or attempting to harm their self or another). Consideration should also be given to whether the suspect has made a verbal threat of physical violence to an officer or another and whether they have the ability to act on the threat;
2. Seriousness of the crime committed by the suspect(s);
3. Number of suspects involved and/or other subjects present who may become involved;
4. The size of the suspect or suspects relative to the officer;
5. The apparent combat related skill level of the suspect or suspects;
6. Number of bystanders and/or potential for secondary exposure of bystanders;
7. Whether the amount of force used will be sufficient to de-escalate the situation;
8. Whether the amount of force used is objectively reasonable under the circumstances;
9. The subject's apparent medical condition, mental state and/or the apparent influence of alcohol and/or drugs.
10. Weapons possessed and/or available to the suspect(s);
11. Whether evidence may or is likely to be destroyed;
12. Information, prior experience, or other reasonable, articulable facts possessed by the officer regarding the specific suspect(s) or location that would lead a reasonable officer to believe that lower levels of force may be unsafe or inadequate.

VIII. Medical Assistance/Duty to Provide Care

- A. Whenever an officer is involved in a situation in which lethal or less lethal weapons are deployed and the result of that use is any person is injured or killed, the officer shall request medical assistance for the injured person without delay. This includes decontamination of OC spray and complaints of injuries.

- B. The Internal Affairs Unit shall conduct an investigation any time a department member causes serious bodily injury or death to any person within our jurisdiction. The Major Crimes Unit of the 9th Judicial District, at the discretion of the Chief of Police or his designee, may conduct this investigation.

#### IX. Use of Force Report

- A. A written use of force report will be submitted whenever an employee:

1. discharges a firearm, for other than training or recreational purposes;
2. takes an action that results in, or is alleged to have resulted in, injury or death of another person;
3. applies force through the use of lethal or less-lethal weapons; or
4. uses any equipment applying force (spike system, riot gear, fire equipment etc.)

- B. In any incident where a use of force is used, officer(s) shall document the incident in an incident report and the Use of Force section in Capers. The report will include a detailed description of the events leading to the necessity for the use of force; the amount and type of force used; the nature and extent of injuries, if any, and treatment rendered; identity of individuals involved and other pertinent information.

- C. The exception to this is when the only force used was a firm grip/or use of handcuffs.

- D. Non-injury Use of Force

The use of Defensive Tactics frequently achieves the desired results without injury to any parties. However, documentation of such incidents is required. This documentation will normally be sufficiently covered in an incident report prepared as a result of the event. Also, a Use of Force report shall be prepared. This account will include all circumstances that led to the use of a tactic and its actual use. The approving supervisor will ensure that the events are presented fully, in a clear and accurate manner.

- E. Personal Injury Incidents

Photographs of the injuries will be taken, if possible, and included with any reports. This applies to both officers and/or suspects.

- F. Medical Aid to Injured Parties

When a person is injured because of an officer's use of force, the officer shall notify his immediate supervisor and seek medical treatment for the injured person.

- G. Routing of Paperwork



Anytime an incident involves the use of force, the reports will be reviewed by a supervisor within 24 hours and then routed through the chain of command. When a supervisor believes there may have been an inappropriate use of force, he/she will provide his/her supervisor with a written explanation as to why the use of force was inappropriate.

If the supervisor is involved in the use of force incident, then his/her supervisor will be required to conduct the Use of Force Review. Any reports generated by a supervisor detailing their personal actions in an incident shall be submitted for approval through the chain of command

## X. Less-Lethal Force

### A. Defensive Tactics

In order to provide members of this department with information, the Defensive Tactics Coordinator will schedule periodic training sessions which enable officers to learn and exercise acceptable methods of defensive tactics. Officers may use defensive tactics that they have been trained in and are qualified to use.

### B. Police ASP Baton

1. The Department issued ASP baton may be used if a suspect has escalated to using threatening statements and/or gestures and begins to close the distance on the officer or another person in a threatening manner as if to batter them
2. The ASP baton is not designed to be used as a club or bludgeon. Strikes should target areas of the body which may result in compliance by the suspect or allow the officer to gain control.
3. Strikes to parts of the body (head, neck, spine, groin, or clavicle) capable of inflicting death or serious bodily injury shall be avoided unless justified by the guidelines of the Deadly Force section of this chapter.

### C. OC Spray

OC Spray (pepper spray) plays a distinct and viable and gives the individual officer an alternative to hard empty hand techniques and the use of an impact weapon, ASP.

#### 1. Use of OC Spray

- a. The OC spray may be used on a suspect who is non-cooperative and is resisting the efforts to control him by but not necessarily limited to the following actions:
  - i. suspect not responsive to directions.

- ii. verbal resistance or body posture
  - iii. pulling/moving running away
  - iv. aggressive movements and an escalation of resistive force.
- b. The OC spray may be used if a suspect has escalated to using threatening statements and begins to close distance on the officer or another person in a manner as if to batter them.
- c. The use of OC spray is target specific and should result in the officer's ability to gain control of the suspect.
- d. The target area will consist of the face, specifically the eyes.

## 2. Decontamination

- a. Decontamination begins after the suspect has been restrained with handcuffs or by other means and the suspect's resistance has ceased.
- b. Decontamination should begin in a reasonable time frame and officer safety concerns should be taken into consideration.
- c. Expose suspect to fresh air and flush affected area with water.
- d. Call medical personnel (EMS) to perform a cursory check of the suspect, to remove any contact lenses if necessary and to continue flushing the suspect with water.
- e. Once the suspect has been transported to the detention facility, the on duty detention facility personnel shall be notified that the suspect has been sprayed with OC.
- f. Under no circumstances will any creams, salves, or oils be applied to the affected area.

## 3. Reporting

- a. As with any use of force or application of force, a written report will be submitted detailing the use of the OC spray, decontamination procedures and the events leading to the use of the OC spray.
- b. Anytime the OC spray is used, the approving supervisor will be responsible for ensuring that a copy of the report is forwarded up the chain of command.

## D. 12 gauge Bean-Bag

1. Bean-bags are considered to be extended range impact weapons that allow officers to deliver a similar amount of force comparable to batons.
2. The bean-bag may be used when other less - lethal force options have been ineffective or when it reasonable appears that such options will be ineffective in subduing the subject. Examples of situations in which the bean-bag may be used include, but are not limited to, the following:
  - a. Dealing with the mentally ill subject who is perceived to be violent.
  - b. Armed subjects.
  - c. Warrant service where the subject is perceived to be violent.
  - d. violent persons under the influence of drugs and/or alcohol.
  - e. Persons expressing the intent and having the means to commit suicide.
  - f. When deemed a reasonable alternative to lesser force options that will likely to be ineffective or greater force options that may be inappropriate given objective circumstances.
3. Where possible, the bean-bag operator should consult with a supervisor prior to the use.
4. The bean-bag should not be pointed at any individual unless the officer involved reasonable believes it will be necessary to use the device.
5. The bean-bag shall not be used:
  - a. When the operator cannot, for safety or other reasons, approach the subject within effective range of the device;
  - b. When it is reasonable to believe that incapacitation of the subject may result in serious injury or death.
6. In less-lethal force situations, when possible, officers should avoid using the bean-bag on:
  - a. Persons in wheelchairs or in control of a vehicle;
  - b. Pregnant women;
  - c. People with known heart problems;
  - d. People with apparent debilitating illness or the elderly;
  - e. Children or those under 80 pounds;
  - f. Individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy.
7. Only officers who have successfully completed the agency's approved course of instruction on the bean-bag are authorized to use it in tactical situations.

8. Officers of this agency shall receive refresher training in use of the bean-bag on an annual basis during firearms instruction.

**UNDER NO CIRCUMSTANCES DOES A BEAN-BAG ROUND GO INTO ANYTHING OTHER THAN A 12 GAUGE ORANGE SHOTGUN.**

E. Electronic Control Device (X-26 Taser) deployment policy

1. In order to determine which technique or weapon will safely resolve the incident and bring it under control safely, officers should assess the situations where force is warranted. Officer should only use that force which is objectively reasonable to affect lawful objectives.
2. This policy is intended to provide general guidelines for the Electronic Control Weapons (ECW), commonly referred to as a taser. Hereinafter, Electronic Control Devices shall be referred to as ECW and TASER shall refer to the X-26 TASER, manufactured by TASER international.
3. The ECW will be used in accordance with the Reactive Control Model (RCM). The RCM is a “direct application” model and does not follow a continuum scale. The use of ECWs falls within the “Orange” or UNARMED ASSAILANT”
4. A departmental use of force review will be held following the deployment of an ECW. Each application of the ECW will be evaluated as an individual and separate use of force incident.
5. The ECW is an additional law enforcement tool and is not intended to replace firearms or replace other equipment, tools, or techniques. The ECW should only be used when it is appropriate for the situation. The utilization of the ECW is considered a use of force and as such must comply with the departmental use of force guidelines. Any use of an ECW that is deemed unreasonable shall subject the officer to disciplinary action.
6. Officers will only use the ECW after receiving training and certification in its proper use, and in accordance to departmental and manufacturer training guidelines.
7. The ECW will be carried fully armed with an air cartridge installed and in the “safe” position in preparation for immediate use when authorized.
8. If practical, a warning should be given to a person prior to deploying the ECW to inform other personnel involved that a non-lethal weapon is being deployed.

9. The use of a ECW is authorized:

- a. At the discretion of the officer where the actions of a suspect places the suspect, citizen, and/ or officers at risk of injury and/or where physical contact with the suspect would increase the likelihood of injury to the suspect, citizen, or officers.
  - i. In all instances, the officer will only use the reasonable number or cycles/applications of the ECW necessary to affect the arrest of a suspect or to control the situation.
  - ii. When using the ECW, the officer should normally use it for one standard cycle and stop to evaluate the situation and behavior of the suspect, unless it is not safe to do so. A standard cycle is five (5) seconds. If subsequent cycles are necessary, the number of cycles shall be restricted to the minimum necessary to safely place the suspect in custody.
- b. To stop a suspect who is resisting custody by making aggressive movements, and/or escalating resistive force.
- c. To stop potentially dangerous behavior.
- d. To protect a person or officer from injury or death.
- e. To protect a suspect from injuring him/herself.
- f. To maintain order within a facility.
- g. In situations that require gaining/maintaining control of a subject or situation.
- h. Civil disturbances such as fights or riots.
- i. Armed suicidal persons.
- j. Mentally ill or emotionally disturbed persons.
- k. Attempting to evade or flight from custody when an officer has a reasonable suspicion to believe a subject has committed a felony.
- l. In situations where a supervisor deems the use of the ECW to safely resolve a situation/incident.

10. Nothing in this policy should limit the officer to the use of the ECW in place of other force options.

11. The use of the ECW is a highly effective option to control a situation. However, no officer should place him/herself in unnecessary danger.

When practical, the ECW should be used with lethal cover from another officer.

12. When a suspect is armed with an ECW and attacks or threatens to attack a police officer, the officer may defend him- or herself to avoid becoming incapacitated and risking the possibility that the suspect could gain control of the officer's firearm. When possible, officers should attempt to place intermediate barriers between themselves and the ECW, and seek cover, as well as request back-up officers to mitigate the danger. However, if multiple officers are present, a subject's attack with an ECW against one officer should not in and of itself cause deadly-force response by other officers.
13. Due to elevated risk factors for injury, special consideration should be given to the use of an ECW on:
  - a. Obviously pregnant females.
  - b. Persons with apparent debilitating illnesses or the elderly.
  - c. Children or persons under eighty (80) pounds.
14. The use of an ECW is not authorized:
  - a. To be used as a punishment or out of anger.
  - b. To be used on a handcuffed person(s) unless they are actively resisting, exhibiting active aggression, or attempting to harm themselves or others.
  - c. To be used when a suspect is in a location (such as in a large amount of water or elevated structure) where a fall may cause substantial injury or death, unless deadly force would otherwise be authorized. An example of this would be a suspect on a balcony, riding a motorcycle/bicycle/moving vehicle or operating machinery, or standing in or near a swimming pool.
15. Extreme caution should be used upon deployment of the ECW in areas where this is potential for fire hazard such as flammable vapors, gases, or electric spark hazard such as those encountered at filling stations and clandestine drug labs. The officer will follow the guidelines as established in departmental training.
16. In preparation for firing, the ECW shall be pointed in a safe direction, taken off of safe mode, and then aimed at the suspect. Center mass of the suspect's back should be the primary target where reasonably possible. Below center mass of the suspect's chest or any place on the subjects arms or legs are the secondary targets. The head and face should not be targeted unless the appropriate level of force can be justified.

17. The ECW should be left in the fire position until the suspect is safely in custody and under control. This allows for another cycle to be applied to the suspect in the event the non-cooperative or combative behavior continues.
18. After deployment of the ECW and the suspect is safely in custody and under control, the officer should evaluate the situation and assess the suspect prior to TASER probe removal.
  - a. Officers must be aware that one easily overlooked aspect of injury in deploying an ECW to a subject with a TASER is that of falling down from a standing position. A thorough physical examination with particular emphasis on secondary injuries should be performed by paramedics.
  - b. Only officers that have completed the ECW TASER training program will remove the probes unless the probes have penetrated a sensitive area such as throat, face, eye, breast or groin area. In this case the officer will carefully cut the conductive wire leads connected to the probes and the probes will remain intact. The Taser probes will then be removed by medical staff at a hospital.
  - c. Since the probes will most likely have blood on them (biohazard) the officers should wear protective gloves when handling. The wires shall be wound around the cartridge. The probes shall be carefully placed back into the spent cartridge by inverting the probes into the portals they were originally deployed from. Tape shall then be placed over the portals to secure the probes in the cartridge. Once this is done the cartridge will be tagged into evidence.
  - d. The officer should inspect the probes after removal to ensure that the entire probe and barb has been removed. In the event that a probe or barb has broken off, the suspect should be provided with appropriate medical attention to facilitate the removal of the object.
  - e. Anti-Felon identification (AFID) tags that are spread following the deployment of an air cartridge need only be collected if reasonably necessary and there is a question of fired a cartridge.
  - f. Mandatory Medical Clearance at Hospital:
    - i. Persons struck in a sensitive area: eyes, head, genitals and female breasts.
    - ii. Where the probes have penetrated the skin and Officers/EMTS cannot safely remove the probes in

accordance with policy

- iii. Persons who do not appear to have fully recovered after a short period of time.
- iv. Persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who are small in stature, person who officers become aware of having a pre-existing medical condition that increase danger and the elderly.
- v. Subject who request medical assistance.

19. The ECW may also be used in certain circumstances in a “drive stun” mode. This involves removing the air cartridge and pressing the ECW against an appropriate area of the body as described in training. It is important to note that when the device is used in this manner, it is:
  - a. Primarily a pain compliance tool due to the lack of TASER probe spread.
  - b. Less effective compared to deployment of an air cartridge and achieving Neuro-muscular Incapacitation (NMI).
  - c. Likely to leave small burn marks on the suspect’s skin.
  - d. Subject to the same deployment guidelines and restrictions as those of the ECW in air cartridge deployments.
20. In all instances where an ECW is used on a suspect, the officer will:
  - a. Complete a Use of Force Report. A copy of this report should be placed in the TASER instructor’s box. The on duty supervisor shall insure a copy of this report has also been forwarded to the TASER International for its national use of force database.
  - b. Officers shall specifically articulate the rationale in their use of force report for any instances in which:
    - i. An ECW is deployed more than three times.
    - ii. More than one ECW is used against a suspect in any given incident.
  - c. Ensure that photographs are taken of the probe impact sites and any other related injuries, both before (if practical under the circumstances) and after removal of the probes. If the drive stun technique is used, photograph any applicable marks.



- i. In some instances photographs may not be taken, such as in some cases of juveniles or when the probes impacted genitals, female's breasts, etc. It is important to preserve evidence of ECW use; however, it is also important to not violate any medical, HIPAA, or privacy statutes or other legal restrictions.
  - d. Turn over ECW to the TASER Instructor for downloading of event data to designated computer as soon as possible following the use of the ECW. The TASER instructor will also issue a replacement cartridge to the officer.
- 21. Upon completion of training, each officer will be issued one (1) ECW, one (1) extended Digital Power Magazine (XDPM), one (1) holster designated for weak side carry, and two (2) 21-foot air cartridges. Each officer will sign for equipment acknowledging receipt. If any problems occur with any of the issued equipment, notifications should be made to the officer's immediate supervisor and/or TASER Instructor.
  - a. A weekly "spark test" will be conducted by the officer to ensure that the ECW is functioning properly and to ensure that the XDPM has battery power above twenty percent (20 %). The spark test will be performed in a safe manner consistent with training.
    - i. When the XDPM reaches twenty percent (20%) battery life, the officer shall notify the TASER Instructor so a replacement can be obtained. The XDPM will then be recycled or used for training purposes.
  - b. The ECW is designated for weak side carry. It is the policy of this agency that the ECW be carried on the side of the body opposite the firearm. This is to help prevent the accidental drawing and/or firing of an officer's sidearm.
  - c. The spare air cartridge will be carried in a manner consistent with training.
- 22. Misuse of the ECW by an officer will be reported to the immediate supervisor of that officer for disciplinary action. Misuse consists of, but is not limited to; unjustified deployment, excessive "spark tests", and the use of the ECW for activities not associated with the use of force situations and/or law enforcement.
- 23. The ECW shall not be carried off-duty.
- 24. Certification for usage of the ECW shall be for a period of one (1) year. Annually, the officer will re-certify in the use of the ECW. This training

will consist of physical competency and device retention, changes in the agency policy, technology changes and reviews of local and national trends in ECW usage. There will also be a practical testing where each officer will be required to simulate firing at least two (2) training cartridges in commonly encountered scenarios.

- a. It is the policy of this agency that each officer certifying on the use of the ECW's for the first time does not have to submit to an exposure in order to feel the effects of the ECW.
- b. The officer shall follow all other guidelines in reference to the use of maintenance of the ECW as outlined in training.

#### XI. Administrative Leave

- A. Immediately following the principal officer's involvement in a deadly force incident, the officer will be automatically placed on administrative leave pending a review by the Chief of Police on the next normal work day. Unless the administrative leave status is changed to a suspension status by the Chief of Police, the officer shall remain in an administrative leave status for three days or until such time as the matter is resolved legally and administratively at the discretion of the Chief of Police or his designee.
  1. Involved officers in the deadly force incident will be offered three days of paid administrative leave but do not have to take it.
- B. Assignment to administrative leave is non-disciplinary with no loss of pay or benefits. This form of leave is designed to:
  1. Address the personal and emotional needs of the officer involved in the use of deadly force and,
  2. Insure the community that the facts surrounding the case are fully and professionally investigated.
- C. An officer on administrative leave shall insure his/her availability to investigators until the investigation has been concluded.
- D. Officers on administrative leave are authorized to carry an approved firearm, unless otherwise directed by the Chief of Police. Officers shall not work off-duty police related jobs and should not enforce laws and make arrests except in emergency situations.
- E. An officer whose action results in a deadly force incident will be required to counsel with the Department appointed counselor.
- F. The Department will make available and reserve the right to require counseling for all officers who had involvement in a deadly force incident.

## XII. Incidents of Force Review

- A. If a use of force reasonably indicates a possible violation of PPD policy or other inappropriate conduct, the immediate or any other supervisor will refer the matter directly to the Office of the Chief for review.
- B. Referrals to the Office of the Chief will be automatic and take place immediately anytime there is a firearm discharge (except at the firing range or in the event of putting down an animal.)
- C. The Office of the Chief will be responsible for ensuring that all use of force data from all reports are regularly and accurately compiled, analyzed and reviewed.
- D. The Administrative Staff will:
  - 1. Analyze use of force data biannually, cumulative basis to detect trends;
  - 2. Have compiled in writing and review use of force incident by officer and type of force used and
  - 3. Review the data for the purpose of identifying and acting upon their implications for policy and training designed to ensure that officers are using only appropriate types and amounts of force.

## XIII. Training

- A. Biennial training will be conducted to instruct officers in the Use-Of-Force policy. This instruction will be documented.
- B. Copies of this policy will be issued to each officer, before being authorized to carry a weapon, and will be updated as needed. This issuance and instruction will be documented.
- C. All employees will receive training in the use of force, firearms and all other authorized weapons prior to being issued any.